98TH CONGRESS
2d Session
HOUSE OF REPRESENTATIVES
REPT. 98-774
Part 1

HAZARDOUS MATERIALS TRANSPORTATION

MAY 15, 1984.—Ordered to be printed

Mr. HOWARD, from the Committee on Public Works and Transportation, submitted the following

REPORT

[To accompany H.R. 5530 which on April 26, 1984, was referred jointly to the Committee on Energy and Commerce and the Committee on Public Works and Transportation]

[Including cost estimate of the Congressional Budget Office]

The Committee on Public Works and Transportation to whom was referred the bill (H.R. 5530) to amend the Hazardous Materials Transportation Act to authorize appropriations for fiscal year 1985, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment strikes out all after the enacting clause of the bill and inserts a new text which appears in italic type in the reported bill.

PURPOSE AND SUMMARY

The reported bill authorizes appropriations for Fiscal Year 1985 for carrying out the Hazardous Materials Transportation Act by the Department of Transportation. In addition, it clarifies the Secretary of Transportation's authority to contract with private entities in order to implement specific functions and it directs the Secretary to submit a report on prenotification systems. Finally, the bill directs the Secretary and the Director of the Federal Emergency Management Agency to evaluate existing planning and training programs for emergency response to incidents involving the transportation of hazardous materials and existing programs for training shippers, carriers, inspectors, and enforcement personnel involved in the transportation of hazardous materials with respect to compliance with and the enforcement of the Hazardous Materials Transportation Act.

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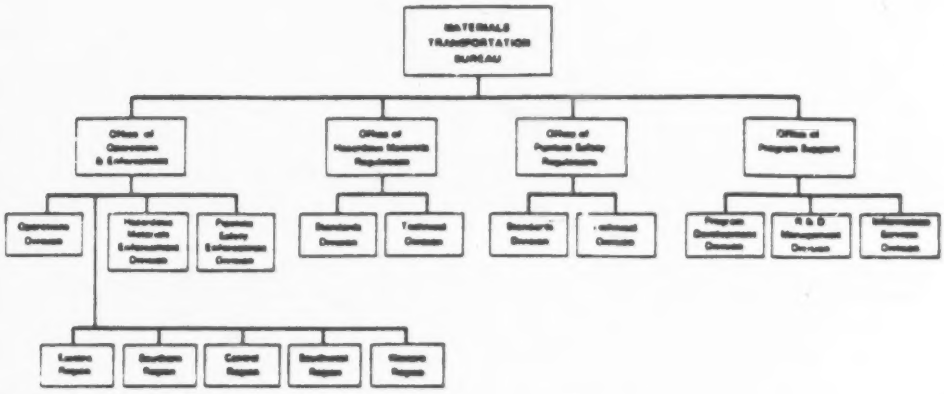
Background and Need

The Hazardous Materials Transportation Act of 1974 was enacted on January 3, 1975, as Title I of the Transportation Safety Act of 1974 (Public Law 93-633). The Hazardous Materials Transportation Act (HMTA) a comprehensive revision of the law governing this area of commercial transportation safety regulation. Prior to January 3, 1975, the law governing hazardous materials transportation had been contained in the Hazardous Materials Transportation Control Act of 1970 (Public Law 91-458), as well as a series of statutes on the transportation of explosives and other dangerous articles enacted over the last century. The House assigned the Committee on Public Works and Transportation exclusive jurisdiction by any mode over this matter at the beginning of the 94th Congress with the exceptions of giving the Committee on Energy and Commerce jurisdiction over transportation by railroad and the Committee on Merchant Marine and Fisheries concurrent jurisdiction with this Committee over certain aspects of international water transportation of these commodities.

Pursuant to the HMTA the Secretary of Transportation established the Materials Transportation Bureau (MTB) in July 1975 as a centralized organizational unit with overall responsibility for the development of regulations and the coordination and control of Department of Transportation enforcement activities. Four separate modal administrations, the United States Coast Guard (for water transportation), the Federal Aviation Administration (for air transportation), the Federal Highway Administration (for highway transportation), and the Federal Railroad Administration (for railway transportation), carry out enforcement and compliance programs pursuant to the HMTA. The MTB itself includes a unit, the Pipeline Safety Enforcement Division, with responsibility for the safety transportation of hazardous materials by pipeline. In 1977 the Secretary of transportation reorganized several functions into a new organizational component called the Reserach and Special Programs Administration. The Secretary included the MTB within this new operating administration. The following chart depicts the MTB organizational structure:

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION



The four operating administrations conduct general transportation safety compliance programs which encompass basic hours of service, operator qualification, and facility and equipment standards. As part of their safety surveillance programs for each mode, the operating administrations conduct inspections and initiate enforcement actions to obtain compliance with the hazardous materials regulations.

The regulations apply to any "substance or material in a quantity and form which may pose an unreasonable risk to health and safety or property when transported in commerce" and which is formally designated as a "hazardous material" by the Secretary of Transportation pursuant to the HMTA. The hazardous materials regulations include provisions which require:

Classification of the various hazardous materials according to kind of hazard (such as explosive, redioactive material, poisons, etiologic agents, flammables) and degree of hazard (such as class A, class B, or class C explosive);

Containers for the various classifications, matching the strength of the container to the degree of hazard that the classification poses to public safety;

Shipping papers and container labels to show the nature of the hazard that is in the container;

Procedures for handling and stowing the various classifications during transit; and

Placards for the vehicles that transport hazardous materials to advise the public as to the nature of the hazard that is in the vehicle.

The Secretary has authority to inspect container manufacturers, shippers, and carriers of hazardous materials to determine whether they are complying with the regulatory requirements and to take enforcement action. Also, the HMTA assigns the Secretary responsibility to cordinate emergency response to hazardous materials incidents.

The Secretary also has the authority and duty to conduct research, demonstration, and training activities.

As evidenced by the provisions contained in the bill, there is a great deal of concern about training. One major concern is training the appropriate personnel for monitoring with and enforcement of the Hazardous Materials Transportation Act. It was brought to the attention of the Committee that although the Department of Transportation planned continuance of its overall support for enforcement training at the Transportation Safety Institute in Oklahoma City, it also intended to reduce its financial commitment to such training by approximately $85,000. The reduction was to be offset by a new policy of charging tuition for personnel from state and local governments who attend the Institute. The Committee, pending further review, is not prepared to accept this new policy, because, there is no clear assessment on what effect this will have on the training program. The Committee, thereof, added $100,000 to the Fiscal Year 1985 request, which money is to be used for training state and local personnel at the Institute. The Committee will review the tuition proposal prior to authorizing appropriations for Fiscal Year 1986.

The Committee has other major concerns with respect to training. Those concerns relate to training for emergency response to incidents involving the transportation of hazardous materials and for planning programs for such response. The Committee's concern is shared by State and local government officials, and others.

At hearings before the Subcommittee on Surface Transportation held March 1, 1984 on several matters, including the transportation of hazardous materials, Mary Sherwood Holt, Council Member from the City of Newport News, Virginia, testifying on behalf of the National League of Cities supported a proposal which would have created a mechanism for providing assured funding for emergency response training. Other witnesses representing both the public and private sector joined in support of the concept.

In the past, the Committee has formally supported the establishment of Regional Training Centers for this type of training. Such a provison was included in H.R. 3403, which passed the House in 1981. H.R. 3403 was never enacted.

The Committee is now mandating an evaluation of planning and training programs. The evaluation is to be done by the Department of Transportation and the Federal Emergency Management Agency which share responsibility in the training mission. In addition to the evaluation, the two agencies are requested to provide the Congress with an accounting of how much money has been expended by Federal and State agencies on emergency response training in Fiscal Years 1980 through 1984. Finally, the Committee has requested recommendations on methods for funding such training programs.

Upon receipt of the report, the Committee will review it and further consider this important issue.

The Committee, in the reported bill, has directed the Secretary to submit a report on the feasibility, cost, desirability, and problems in implementing a prenotification system which would make available to state and local governments information concerning the timing, nature, and routing of shipments of hazardous materials. The Committee, by amendment, directed that the study not include matters related to rail transportation because rail transpor-

tation is subject to the jurisdiction of the Committee on Energy and Commerce.

One other aspect of the bill requires comment. Section 1 of the bill provides that the Secretary is permitted to fulfill the requirements of section 109(d)(2) of the Act mandating the establishment of a central reporting system for hazardous materials transportation accidents by contracting with a private entity. This plainly allows the Secretary to contract with, among other private concerns, the Chemicals Manufacturers Association for use of its CHEMTREC system. The system contains information on shipments of hazardous materials that is vital to combating any incident that might occur.

SECTION-BY-SECTION

Section 1(a) amends subsection 109(a) of the Hazardous Materials Transportation Act by adding a new paragraph to that subsection. The new paragraph provides that nothing in subsection 109(d) shall be construed to limit the authority of the Secretary to enter into a contract with a private entity for use of a supplemental reporting system and data center operated and maintained by such entity.

Subsection 1(b) amends subsection 109(e) of the Hazardous Materials Transportation Act so as to change the date for submission of the Department of Transportation's annual report to Congress on the transportation of hazardous materials from May 1 to June 15.

Subsection 2(a) requires the Secretary to prepare and submit to the Congress a report on the feasibility, cost, desirability, and problems in implementing a prenotification system which would make available to State and local governments information concerning the timing, nature, and routing of shipments of hazardous materials.

Subsection 2(b) requires that the Secretary in preparing the report shall consult with State and local governments, seek the advise of various groups interested in the transportation of hazardous materials, and examine the extent to which prenotification systems would enhance the capabilitities of state and local governments in enforcing applicable safety standards and responding to emergencies.

Subsection 2(c) incorporates into section 2 certain definitions used in the Act. It also limits by definition the study to modes of transportation other than railroads.

Section 3 amends section 115 of the Hazardous Materials Transportation Act as to authorize appropriations not to exceed $7,400,000 for Fiscal Year 1985.

Subsection 4(a) requires the Secretary of Transportation and the Director of the Federal Emergency Management Agency in coordination with other Federal, State, and local agencies, to evaluate programs for planning for emergency response to incidents involving the transportation of hazardous materials and training programs for such response and for complying with and enforcing the Hazardous Materials Transportation Act.

Subsection 4(b) requires the report to include a description of the above-mentioned programs, along with an assessment of how much money is being spent at all levels of government for these pro-

grams. In addition, it must include recommendations for funding these programs including, but not limited to, the establishment of a funding mechanism that would assure long-term funding for these training programs.

COMMITTEE CONSIDERATION

H.R. 5530 was introduced on April 26, 1984, and it was referred jointly to the Committees on Public Works and Transportation and Energy and Commerce.

The Subcommittee on Surface Transportation held a hearing on March 21, 1984 on the subject matter of the legislation. Hearings were held on February 28, 29, and March 1, 1984 on related bills.

On May 9, 1984, the Committee on Public Works and Transportation by voice vote ordered H.R. 5530 to be reported with an amendment to the House.

COMPLIANCE WITH CLAUSE 2(l) OF RULE XI OF THE RULES OF THE HOUSE OF REPRESENTATIVES

(1) Pursuant to clause 2(l)(3)(A) of rule XI of the Rules of the House of Representatives, no separate hearings were held on the subject matter of this legislation by the Subcommittee on Investigations and Oversight. However, the Subcommittee on Surface Transportation held hearings on this subject matter which resulted in the reported bill.

(2) With respect to clause 2(l)(3)(B) of rule XI of the Rules of the House of Representatives, the bill, as reported, does not provide new budget authority or increased tax expenditures. Accordingly, a statement pursuant to section 308(a) of the Congressional Budget Act is not required.

(3) With reference to clause 2(l)(3)(D) of rule XI of the Rules of the House of Representatives, the Committee has not received a report from the Committee on Government Operations pertaining to this subject matter.

(4) With reference to clause 2(l)(4) of rule XI of the Rules of the House of Representatives, the Committee believes that enactment of this legislation will have no impact on prices and costs in the operation of the national economy.

COST ESTIMATE

In compliance with clause 7(a) of rule XIII of the Rules of the House of Representatives, the Committee makes the following statement regarding the cost of this legislation.

The reported bill authorizes an appropriation not to exceed $7.4 million for fiscal year 1985 to carry out the requirement of HMTA. The Committee believes that these amounts represent sufficient funding necessary for adequate performance of the statutory functions under the Act during fiscal year 1985.

VOTE

The Committee ordered the bill reported by voice vote.

With reference to clause 2(l)(3)(C) of rule XI of the Rules of the House of Representatives, the Committee has received a report pre-

pared by the Congressional Budget Office under section 403 of the Congressional Budget Act. The report is as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., May 15, 1984.

Hon. JAMES J. HOWARD,
Chairman, Committee on Public Works and Transportation, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for H.R. 5530, a bill to amend the Hazardous Materials Transportation Act to authorize appropriations for fiscal year 1985, and for other purposes.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

ERIC HANUSHEK
(For Rudolph G. Penner).

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: H.R. 5530.

2. Bill title: A bill to amend the Hazardous Materials Transportation Act to authorize appropriations for fiscal year 1985, and for other purposes.

3. Bill status: As ordered reported by the House Committee on Public Works and Transportation, May 9, 1984.

4. Bill purpose: The bill authorizes the appropriation of $7.4 million for fiscal year 1985 for the Hazardous Materials Transportation Bureau of the Department of Transportation. (The 1984 appropriation is $6.9 million and the President's request for 1985 is $7.2 million.) The bill also permits the Secretary of Transportation to enter into contracts with private agencies for a supplemental reporting system and data center, and changes from May 1 to June 15 the date by which the Secretary of Transportation must submit an annual report to the President on the transportation of hazardous materials during the preceeding year.

5. Estimated cost to the Federal Government:

[By fiscal years, in millions of dollars]

	1985	1986	1987	1988	1989
Authorization level	7.4				
Estimated outlays	6.8	0.6			

H.R. 5530 requires the Secretary of Transportation to prepare a report on the costs and benefits of implementing hazardous materials prenotification systems for state and local governments. The Secretary, in conjunction with the Director of the Federal Emergency Management Agency, is also directed to report to the Congress on existing federal, state and local programs for planning responses to incidents involving transportation of hazardous materials, and on the total amount of government funds spent in 1980

through 1984 on such training programs. Based on information from the Department, we estimate the cost of preparing these studies to be approximately $250,000.

The costs of this bill fall within budget function 400.

BASIS OF ESTIMATE

This estimate assumes that all funds authorized by the bill will be appropriated prior to the beginning of each fiscal year. Outlay estimates are based on historical spending rates.

6. Estimated cost to State and local governments: None.

7. Estimate comparison: None.

8. Previous CBO estimate: On May 11, 1984, CBO prepared a cost estimate for a similar bill ordered reported by the Senate Committee on Commerce, Science and Transportation, May 8, 1984. That bill authorized $7.5 million for fiscal year 1985 and $8 million for fiscal year 1986 for the Hazardous Materials Transportation Bureau. The estimated costs reflect these differences.

9. Estimates prepared by: Kathleen Kelly.

10. Estimate approved by: C. G. Nuckols (For James L. Blum, Assistant Director for Budget Analysis).

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of Rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

HAZARDOUS MATERIALS TRANSPORTATION ACT

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POWERS AND DUTIES OF THE SECRETARY

SEC. 109. (a) General.—* * *

* * * * * * *

(d) FACILITIES AND DUTIES.—*(1)* The Secretary shall—

[(1)](*A*) establish and maintain facilities and technical staff sufficient to provide, within the Federal government, the capability of evaluating risks connected with the transportation of hazardous materials and materials alleged to be hazardous;

[(2)](*B*) establish and maintain a central reporting system and data center so as to be able to provide the law-enforcement and firefighting personnel of communities, and other interested persons and government officers, with technical and other information and advice for meeting emergencies connected with the transportation of hazardous materials; and

[(3)](*C*) conduct a continuing review of all aspects of the transportation of hazardous materials in order to determine and to be able to recommend appropriate steps to assure the safe transportation of hazardous materials.

(2) Nothing in this subsection shall be construed to limit the authority of the Secretary to enter into a contract with a private entity

for use of a supplemental reporting system and data center operated and maintained by such entity.

(e) ANNUAL REPORT.—The Secretary shall prepare and submit to the President for transmittal to the Congress on or before [May1] *June 15* of each year a comprehensive report on the transportation of hazardous materials during the preceding calendar year. Such report shall include, but need not be limited to—

(1) a thorough statistical compilation of any accidents and casualties involving the transportation of hazardous materials;

(2) a list and summary of applicable Federal regulations, criteria, orders, and exemptions in effect;

(3) a summary of the basis of any exemptions granted or maintained;

(4) an evaluation of the effectiveness of enforcement activities and the degree of voluntary compliance with applicable regulations;

(5) a summary of outstanding problems confronting the administration of this title, in order of priority; and

(6) such recommendations for additional legislation as are deemed necessary or appropriate.

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AUTHORIZATION FOR APPROPRIATIONS

[SEC. 115. There are authorized to be appropriated to carry out the provisions of this title not to exceed $7,000,000 for the fiscal year ending June 30, 1976, not to exceed $1,750,000 for the transition period of July 1, 1976, through September 30, 1976, not to exceed $5,000,000 per fiscal year for the fiscal years ending September 30, 1977, and September 30, 1978, and not to exceed $5,000,000 for the fiscal year ending September 30, 1979.]

SEC. 115. There is authorized to be appropriated to carry out the provisions of this title not to exceed $7,400,000 for the fiscal year ending September 30, 1985.

EVALUATION OF TRAINING PROGRAMS FOR INCIDENT PREVENTION AND RESPONSE

SEC. 116. (a) EVALUATION.—The Secretary and the Director of the Federal Emergency Management Agency (hereinafter in this section referred to as the 'Director'), in coordination with other Federal, State, and local agencies with responsibilities relating to transportation of hazardous materials (including but not limited to the Environmental Protection Agency, the Department of Energy, and the Nuclear Regulatory Commission), shall each evaluate—

(1) programs conducted by Federal, State, and local agencies and private organizations which provide training to shippers, carriers, inspectors, and enforcement personnel involved in the transportion of hazardous materials with respect to compliance with and enforcement of rules, regulations, standards, and orders promulgated by the Secretary under the authority of this title;

(2) programs conducted by Federal, State, and local agencies and private organizations which provide training to agencies or

organizations responsible for responding to incidents involving transportation of hazardous materials; and

(3) planning programs conducted by Federal, State, and local agencies and private organizations for responding to incidents involving transportation of hazardous materials.

(b) REPORT.—Not later than five months after the date of enactment of this section, the Secretary and the Director shall each submit an interim report to the Congress on the results of their respective evaluations under subsection (a). Not later than 10 months after the date of enactment of this section, the Secretary and the Director shall complete such evaluations and submit the results of such evaluations to the Congress. Such reports shall include, but not be limited to—

(1) a description of existing planning programs for responding to incidents involving transportation of hazardous materials;

(2) a description of Federal, State, and (to the extent feasible) local training programs for responding to incidents involving transportation of hazardous materials and for compliance with and enforcement of rules, regulations, standards, and orders promulgated by the Secretary under the authority of this title;

(3) the amounts of funds expended per fiscal year in fiscal years 1980, 1981, 1982, 1983, and 1984 by Federal and State agencies on training programs described in paragraph (2); and

(4) recommendations concerning methods of funding such training programs, including but not limited to, methods which assure long-term funding for such programs.

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98TH CONGRESS
2d Session

HOUSE OF REPRESENTATIVES

REPT. 98-778
Part 1

TRANSFER OF GENERAL POST OFFICE BUILDING IN DISTRICT OF COLUMBIA

MAY 15, 1984.—Ordered to be printed

Mr. HOWARD, from the Committee on Public Works and Transportation, submitted the following

REPORT

[To accompany H.R. 4025 which on September 28, 1983, was referred jointly to the Committee on Public Works and Transportation and the Committee on House Administration]

[Including cost estimate of the Congressional Budget Office]

The Committee on Public Works and Transportation, to whom was referred the bill (H.R. 4025) to authorize the Administrator of General Services to transfer to the Smithsonian Institution without reimbursement the General Post Office Building and the site thereof located in the District of Columbia, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment strikes out all after the enacting clause of the bill and inserts a new text which appears in italic type in the reported bill.

BACKGROUND

In the mid-19th century, Robert Mills, the self-styled Architect of Public Buildings, supervised the creation of three outstanding monuments of American public architecture of the Romantic period—the Treasury, the Patent Office (which now houses the Smithsonian Institution's National Museum of American Art, National Portrait Gallery, and Archives of American Art), and the General Post Office, now home to the International Trade Commission. While completing the Treasury and the Patent Office, Mills designed and built the General Post Office between Seventh, Eighth, E, and F Streets with the intention of creating a structure that was functional as well as beautiful. The destruction by fire in 1836 of the former Blodgett's Hotel, which had housed both the

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Patent Office and the General Post Office on the E Street site, created the impetus for the construction of the present buildings, and Mills sought to make them, standing side by side, examples of fireproof construction and expressions of national dignity.

Over the years tenants of the General Post Office Building have included, in addition to various elements of the postal system and the Patent Office, the General Land Office, the Bureau of Education, the Bureau of Indian Affairs, and the Selective Service Agency. From 1919 to 1921 it served as headquarters for General "Black Jack" Pershing until he became Army Chief of Staff. The International Trade Commission and its predecessor organization, the Tariff Commission, have occupied the building since that time. Thus, an elegant and historic structure—the fifth oldest Federal building in the District of Columbia—has become steadily more utilitarian. In recent years overcrowding, corrosion, water damage, Metro construction, and inadequate maintenance have caused its marked deterioration.

The Smithsonian's interest in the General Post Office Building dates back to 1958 when the Institution acquired and began renovation of the Patent Office Building, immediately across F Street and connected underground by a tunnel with it. The two buildings are linked historically as well, and the Committee believes that the General Post Office Building also should be restored and preserved as part of our Nation's cultural patrimony and for public purposes. Its availability to the Smithsonian would lead to a lively nexus of museum activity in the Gallery Place area of the District of Columbia, and its access to the public seven days a week and in the evenings as well would add significantly to the concentration of arts and culture there.

PURPOSE OF THE LEGISLATION

H.R. 4025 authorizes the transfer of the General Post Office Building to the Smithsonian Institution without reimbursement in accordance with the provisions of section 202 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483). It also directs the Administrator of the General Services Administration, at the earliest practicable date, to relocate all operations of the United States International Trade Commission (USITC) to a single building in downtown Washington, D.C. The Committee anticipates receiving a prospectus from the General Services Administration (GSA) for review, to accomplish this purpose in the near future. Currently, the Commission occupies 107,295 square feet of space at three Washington, D.C. locations: the General Post Office Building, the Bicentennial Building, and the Interstate Commerce Commission Building. Enactment of H.R. 4025 will provide an excellent opportunity for consolidation of all Commission operations which demand certain special-use space, such as hearing rooms and a printing plant, thus improving space use and efficiency of operation, and avoiding the duplication of services inherent to multiple locations.

The relocation of the Commission, as directed by the legislation when it was introduced, would have required the Administrator and the Chairman of the USITC to jointly determine a location

suitable for the operations of the Commission. Vesting the Chairman with this type of authority was considered essential to insure the Commission was housed in a satisfactory location in light of the poor and deteriorating facilities the Commission has been forced to contend with over the past several years.

However, the House Committee on Government Operations felt that such a provision would be an inappropriate modification of section 210 of the Federal Property and Administrative Services Act, which vests in the GSA Administrator the sole authority to assign and reassign space to be used by executive agencies, on the basis of economy, efficiency, or national security. Thus, the Committee modified the language to provide for the Chairman of the USITC to actively participate with the Administrator of GSA in determining an appropriate new location for the Commission.

GSA has promulgated temporary Federal Procurement Management Regulations permitting agencies to appeal space assignments made by GSA. An appeal made by the Commission pursuant to the regulations may be time consuming and delay the relocation proposed by the bill. Consequently, provision is made in the bill for the Commission Chairman to appeal directly to the Administrator in case a particular offer of space is unacceptable. It is anticipated that in the event an appeal is made by the Commission Chairman that the Administrator would make a formal review of the space offer and that such a review would not be perfunctory and that the Chairman would receive a written response from the Administrator. Further, it may be possible for the Chairman to appeal the Administrator's review to the Office of Management and Budget.

To monitor the progress of the relocation, both the Administrator and the Chairman are required to report on a regular basis to their respective authorizing committees and to those of the Smithsonian Institution in the Senate and the House on the status of the Commission's relocation. Until the relocation takes place, the Administrator of General Services is required to maintain the building in a manner to prevent its further deterioration and to ensure a safe and habitable workplace suitable to the normal operations of its occupants. Although Congress appropriated $5.8 million to the GSA in 1974 for repair of the General Post Office Building, to date, GSA has only spent $1.2 million based on the uncertainty of the building's status, i.e., the relocation of the USITC and the transfer of the building to the Smithsonian Institution, thus the building has continually deteriorated and a number of essential repairs have been deferred.

Finally, the bill authorizes the appropriation of $40,000,000 to the Smithsonian Institution for renovation and repair of the building after the Commission relocates and the transfer is made. Any portion of the appropriation may be transferred to the General Services Administration which, in consultation with the Smithsonian, is authorized to enter into contracts and take such other action as may be necessary to carry out the renovation and repair. No contract for this work, however, may be advertised or entered into before the end of thirty days of continuous session of Congress which begin when the Smithsonian submits to appropriate congressional committees the plans and advance engineering and design for the renovation and repair.

NEED FOR THE LEGISLATION

Until its transfer to the Smithsonian twenty-five years ago the Patent Office Building had been home to a succession of Government agencies. Its poor condition posed the threat of destruction, but the Smithsonian's careful renovation restored its original grandeur, created a center for the exhibition and study of American art and portraiture, and provided a link between the downtown area of Washington and the Institution's activities on the Mall.

The years since have witnessed singular scholarly and public interest in the programs of the National Museum of American Art (NMAA), the National Portrait Gallery (NPG), and the Archieves of American Art (AAA) which have become recipients of major collections of American art and its documentation. The growing collections and public responsibilities of these activities have heavily taxed the Patent Office Building, however, and their continued vitality is dependent on the availability of additional space for exhibition and scholarly purposes.

Through analyses of both the General Post Office and Patent Office buildings, the Smithsonian has evolved a development concept which focuses primarily on the General Post Office Building, but is based on using it and the Patent Office Building in an integrated manner. The concept envisions the Patent Office Building as the home of permanent exhibition galleries and basic support activities for both the National Museum of American Art and the National Portrait Gallery, while the General Post Office Building would house major changing exhibition space and other new public facilities. It would also be a focus for research and study of American art, as it would house the Archives of American Art, the combined library of the National Museum of American Art and the National Portrait Gallery, and related research resources. The integrated use of the two buildings would draw more visitors to the area and bring a new liveliness to the F Street and 8th Street malls in Washington.

The development concept proposes that the main public entrance to the General Post Office Building be located on the F Street side of the building in order to simplify public circulation between it and the Patent Office Building. The courtyard, which is a key component of the plan, would be covered with a glass canopy and transformed into an attractive sculpture garden, dining area, and public reception space. Visitors would be drawn from the public entrance and lobby on the north side of the building into this courtyard where they could circulate in and out of exhibition galleries flanking it on the east and west. Two very signficant public areas of the building would be located on the basement level. Under the south portion of the courtyard, where there is an existing sub-basement, a theater/auditorium seating upwards of 300 people would be created and could be shared with Smithsonian activities such as the Resident Associates for performing arts and other programs. To the north and adjacent to the theater/auditorium would be 7,000 square feet of flexible exhibition space to be used for major traveling shows or changing exhibitions mounted by the museums, and for receptions related to special events in the theater/auditorium.

The NMAA/NPG Library and the Archives of American Art would be distributed on three separate, but vertically connected, levels of the building because of the size of the building, the size of these components, and the structural capabilities of different parts of the building to hold library and archival collections.

Restored to its original beauty, the General Post Office, with the Patent Office, will, the Committee believes, become the Nation's most significant center for the study of American art. Housed in two buildings created by the first architect born and trained in the United States, it will offer the public an extraordinarily varied range of museum programs in the traditional heart of our capital city.

Because of the growth in responsibilities and related staff of the International Trade Commission since enactment of the Trade Act of 1974 the building can no longer accommodate all of its functions under one roof. Furthermore, its deteriorated condition is hazardous and unhealthy for those working there. The functions of the Commission require appropriate quarters convenient to the agencies, embassies, and trade associations with which it does business daily and configured in a manner to serve its needs for hearing rooms as well as library and administrative space.

COMPLIANCE WITH CLAUSE 2(l) OF RULE XI OF THE RULES OF THE HOUSE OF REPRESENTATIVES

(1) With reference to clause 2(l)(3)(A) of rule XI of the Rules of the House of Representatives, no separate hearings were held on the subject matter of this legislation by the Subcommittee on Investigations and Oversight. However, the Subcommittee on Public Buildings and Grounds held hearings on this subject matter which resulted in the reported bill.

(2) With reference to clause 2(l)(3)(B) of rule XI of the Rules of the House of Representatives the bill, as reported, does not provide new budget authority or increased tax expenditures.

(3) With reference to clause 2(l)(3)(C) of rule XI of the Rules of the House of Representatives, the committee has received a report prepared by the Congressional Budget Office under section 403 of the Congressional Budget Act. The report is as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., May 15, 1984.

Hon. JAMES J. HOWARD,
Chairman, Committee on Public Works and Transportation,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for H.R. 4025, a bill to authorize the Administrator of General Services to transfer to the Smithsonian Institution without reimbursement the General Post Office Building and the site thereof located in the District of Columbia, and for other purposes.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

ERIC HANVSHEK
(For Rudolph G. Penner, Director).

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: H.R. 4025.

2. Bill title: A bill to authorize the Administrator of General Services to transfer to the Smithsonian Institution without reimbursement the General Post Office Building and the site thereof located in the District of Columbia, and for other purposes.

3. Bill status: As ordered reported by the House Committee on Public Works and Transportation, May 10, 1984.

4. Bill purpose: The bill authorizes the Administrator of General Services to transfer without reimbursement the General Post Office Building in the District of Columbia to the Smithsonian Institution. The Administrator shall relocate the United States International Trade Commission (ITC) from its offices in the General Post Office Building to a site to be determined. The bill authorizes the appropriation of $40 million to the Board of Regents of the Smithsonian Institution for renovation and repair of the building. The funds may be transferred as necessary to the GSA to accomplish the renovation. No contracts can be entered into for the renovation without a 30-day Congressional review of the plans and design work.

5. Estimated cost to the Federal Government:

[By fiscal years, in millions of dollars]

	1985	1986	1987	1988	1989
Authorization level	40				
Estimated outlays	8	16	16		

In addition to the amount specifically authorized for renovations, the cost of renting new offices for the ITC is expected to be $2–3 million per year. It is possible, however, that the ITC would move even if this bill is not enacted.

The costs to the Smithsonian Institution fall in function 500, while any costs to the ITC fall in function 150.

Basis of estimate

This estimate assumes the sum authorized will be appropriated. Outlays are based on an expected three-year process for design and renovation.

6. Estimated cost to State and local governments: None.

7. Estimate comparison: None.

8. Previous CBO estimate: None.

9. Estimate prepared by Mary Ann Curtin.

10. Estimate approved by James L. Blum, Assistant Director for Budget Analysis.

(4) With reference to clause 2(l)(3)(D) of rule XI of the Rules of the House of Representatives, the committee has not received a report from the Committee on Government Operations pertaining to this subject matter.

(5) With reference to clause 2(l)(4) of rule XI of the Rules of the House of Representatives, the committee makes the following statement in regard to the inflationary impact of the reported bill:

The enactment of this legislation will have no inflationary impact on the prices and costs in the operation of the national economy.

COST OF LEGISLATION

Rule XIII of the Rules of the House of Representatives requires a statement of the estimated costs to the United States which would be incurred in carrying out H.R. 4025 as reported, in fiscal year 1985 and each of the following 5 years. The committee estimate of these costs, in terms of authorizations contained in the bill, is $40,000,000. The estimates of outlays contained in the report of the Congressional Budget Office is considered reasonable.

COMMITTEE ACTION AND VOTE

The committee in compliance with rule XI (2)(l)(B), the majority of the committee having actually been present, reports favorably the bill, H.R. 4025 as amended. The bill was ordered reported by voice vote.

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